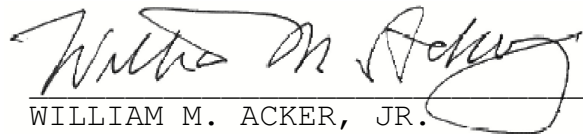


of this action, and the rationale of 28 U.S.C. § 1915(a) and (g) would not be served by granting the plaintiff's motion for voluntary dismissal. *See, Wilson v. Freeseemann*, 2007 WL 2083827 (S.D. Ga. 2007) (holding that 28 U.S.C. § 1915(a) prevents [a prisoner] from avoiding a 28 U.S.C. § 1915(g) 'strike' merely by exploiting Rule 41(a) in the face of an adverse Report and Recommendation).

Thus, having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Further, the plaintiff's motion for voluntary dismissal (doc. 10) is due to be DENIED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted, or seeking monetary relief from defendants who are immune. A Final Judgment will be entered.

DATED this 5th day of June, 2013.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE